

	Georgia Technology Authority	
Doc Ref Number:	ENT-08-002-POL	Topical Area: Portal
Document Type:	Enterprise Policy	Page: 1 of 3
Title:	Intellectual Property Usage Policy	
Effective Date:	PENDING GTA Board Review and Approval	Revision Date: Original
POC for Changes:	Office of General Counsel	
Synopsis:	Defines parameters governing the usage of third party intellectual property (e.g. trademarks, service marks, copyrights, etc.) on the georgia.gov portal.	

PURPOSE

To ensure that all pages displayed on georgia.gov adequately and accurately display the ownership and conditions for use of third party materials. To ensure that GTA as the Georgia.gov Portal service provider establishes policies and procedures to protect and respect the intellectual property rights of others and ensure that georgia.gov operates in compliance with U.S. Copyright laws.

SCOPE

All entities on the georgia.gov portal.

POLICY

1. GENERAL

- A. The State of Georgia endeavors to respect the intellectual property rights of others at all times, and all entities using the Enterprise Portal are expected to do the same. Therefore, except as expressly provided by copyright law, copyrighted material must not be copied, redistributed, published, displayed, or otherwise used on the State's Enterprise Portal without the permission of the owner of the material, or the person(s) they have expressly authorized to grant such permission.
- B. Text, graphics, photographs or images (i.e. materials) on the Enterprise Portal must be:
 - 1) created by State employees within the scope of their employment;
 - 2) created by a third party who assigns all ownership rights to the State;
 - 3) used by the State under an appropriate license;
 - 4) otherwise owned by the State; or
 - 5) in the public domain.
- C. For all other materials the submitting entity must have express written permission from the copyright holders authorizing the intended use.

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- D. Photographs may require not only the copyright holder's express written permission authorizing the intended use, but may require the permission of the person(s) appearing/depicted within the photograph.
- E. The use or display of trademarks, service marks, or materials containing trademarks or service marks, must be with the express permission of their respective owners.
- F. All Web Pages that contain third party material on the georgia.gov Portal must contain or link to a page that contains an appropriate Copyright Notice.
- G. GTA may request that the submitting entity produce proof of its permission/license to use the material.
- H. Failure to produce proof of permission, when requested, may result in:
 - 1) the return of a submitting entity's submission,
 - 2) delay in the deployment of the content or project,
 - 3) removal of the material in question and/or,
 - 4) removal of the page or site upon which the material appears.

2. MANDATORY NOTICE REQUIREMENT

Under the Digital Millennium Copyright Act (17 U.S.C. Sec. 512(c)), Portal Service Providers must establish a designated agent to receive notices of copyright infringement in order to avail themselves of the limited liability protections against claims of copyright infringement. Agent contact information must be available through the Portal in a location accessible to the public. Therefore, GTA requires that all pages on the portal either display or link to the following notice:

All trademarks, service marks or copyrights appearing on this Portal website and other linked websites are trademarks, service marks, or copyrights of their respective owners. Pursuant to 17 U.S.C. Sec. 512(c)(2), notice of claims of copyright infringement should be directed to Chris Tomlinson at ctomlinson@gtga.gov or by mail at Georgia Technology Authority, 100 Peachtree Street, Suite 2300, Atlanta, Georgia 30303-3404, Attn: Office of General Counsel.

This notice may be displayed on each page, or incorporated into either a "legal notices," "important notices," or other similarly purposed section or page.

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AUTHORITY

O.C.G.A. Section 50-25-7.13
17 U.S.C. 512(c)(2)

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